

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
October 17, 2006 - 9:00 AM

PRESENT: COMMISSIONER LARRY A. ELLERTSON, CHAIR
COMMISSIONER STEVE WHITE, VICE CHAIR
EXCUSED: COMMISSIONER JERRY D. GROVER

ALSO PRESENT:

Kent Sundberg, Deputy Attorney	Clyde Naylor, Public Works Director/Engineer
Kim Jackson, Clerk/Auditor	Don Nay, Public Works
Cary McConnell, Clerk/Auditor-Taxes	Kris Poulson, Assessor
Dr. Joseph Miner, Health Dept. Director	Jeff Mendenhall, Community Development Director
Jackie Black, Health Department	Peggy Kelsey, Community Development
Elena Hall, Health Department	Richard Nance, Substance Abuse Director
Amanda Mateus, Health Department	Ashley Green, Utah Division of Wildlife Resources
Julie Bolton, Utah County S.I.D.S. Alliance	Neal P. Cole, Eagle Mountain
Darin Durfey, Sheriff's Office	Mayor Michael Daniels, Pleasant Grove
Lani Emmich, Sheriff's Office	Richard Bradford, Pleasant Grove
Doug Witney, Sheriff's Office	Gary Clay, Pleasant Grove
Mel Hudman, Treasurer	Christine M. Petersen, Pleasant Grove
Robbie Ashton, UCEA President/Recorder's Office	Paul Glauser, Provo
Randy Covington, Recorder	Nichole Sorenson
Lana Jensen, Personnel Director	Alan Choate, <u>Daily Herald</u>
Merritt Fullmer, Personnel	Todd Hollingshead, <u>Salt Lake Tribune</u>
Jane Ivie, Personnel	Renée Huggins, Commission Clerk

Commissioner Ellertson called the meeting to order at 9:00 AM and welcomed those present. He excused Commissioner Grover and noted Roberts Rules of Order would be waived for the purpose of making motions. The following matters were discussed:

CONSENT AGENDA

- 1. RATIFY THE COMMISSION CHAIR'S SIGNATURE ON THE STANDARD USE AGREEMENT FOR RENTAL OF THE ROTUNDA AND/OR BALLROOM BY VICKIE FRANCIS ON OCTOBER 10, 2006**
- 2. APPROVE AND RATIFY THE COMMISSION CHAIR'S SIGNATURE ON CHANGE ORDER NO. 1 WITH KA BUILDERS, INC. IN THE AMOUNT OF \$14,108.20 TO PROVIDE MODIFICATIONS REQUIRED BY LEHI CITY FOR THE WILLOW PARK BRIDGE**
- 3. APPROVE AND RATIFY THE COMMISSION CHAIR'S SIGNATURE ON THE UTAH ARTS COUNCIL APPLICATION FORM GRANTS PROGRAM**
- 4. AUTHORIZE AND RATIFY THE SUPPLEMENTAL LAW ENFORCEMENT CONTRACT WITH NIELS FUGAL SONS CO. TO REPAIR PIPELINE AT 11600 WEST AND SR73 ON SEPTEMBER 26, 2006**
- 5. APPROVE AND RATIFY THE COMMISSION CHAIR'S SIGNATURE ON AN AGREEMENT WITH DAVE EGLI TO PROVIDE ENCOUNTERING THE MENTALLY ILL COURSE INSTRUCTION FOR LAW ENFORCEMENT DEPUTIES, SUPERVISORS, AND MANAGERS ON OCTOBER 11-12, 2006**
- 6. RATIFY, APPROVE, AND AUTHORIZE THE COMMISSION CHAIR'S SIGNATURE ON THE AGREEMENT WITH SCHRYVER MEDICAL, INC. TO PROVIDE LABORATORY SERVICES TO COUNTY JAIL INMATES**
- 7. RATIFY, APPROVE, AND AUTHORIZE THE COMMISSION CHAIR'S SIGNATURE ON THE**

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AGREEMENT WITH SCHRYVER MEDICAL, INC. TO PROVIDE X-RAY SERVICES TO COUNTY JAIL INMATES

8. **APPROVE AND AUTHORIZE THE VETERINARY RFP FOR VETERINARY CARE FOR THE UTAH COUNTY SHERIFF'S OFFICE POLICE SERVICE DOGS; BIDS FROM ALPINE ANIMAL HOSPITAL AND NEBO ANIMAL CLINIC**
9. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE A FULL MAINTENANCE AGREEMENT WITH CERTIFIED ENGINEERING SYSTEMS FOR THE XEROX MODEL 510 LARGE FORMAT COPIER LOCATED IN THE RECORDER'S OFFICE**
10. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE "COMPLIANCE AGREEMENT AND BOND FOR OPEN PIT MINING OPERATIONS" TO CONTINUE A MINING OPERATION WITH A NEW NAME BY TRUDY CHILDS WITH A SITE LOCATION OF 10801 SOUTH 6601 EAST, DIAMOND FORK CANYON AREA OF UTAH COUNTY; LETTER OF CREDIT NO. 048064166 IN THE AMOUNT OF \$16,852.50 FROM CENTRAL BANK LOCATED AT 202 S MAIN, SPRINGVILLE, UT**
11. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A LOCAL AGREEMENT WITH CAPITOL TITLE TO ACCESS THE LAND INFORMATION ON THE UTAH COUNTY MAINFRAME**
12. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE THE PAYMENT AGREEMENT WITH INTERSTATE BAKERIES CORPORATION**
13. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE STIPULATION BETWEEN UTAH COUNTY AND ELIZABETH DIXON STROBEL, KENNETH M. BRINGHURST, DIXON C. BRINGHURST, AND RICK B. BRINGHURST**
14. **APPROVE TAX CREDITS AND REIMBURSEMENTS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN STATE TAX COMMISSION INVOICE NO. 07-078, DATED OCTOBER 5, 2006**
15. **APPROVE THE MINUTES OF THE OCTOBER 3, 2006 BOARD OF UTAH COUNTY COMMISSIONERS MEETING**
16. **RATIFICATION OF PAYROLL**

Period 21	14 Checks - \$8,416.59	1,033	Total Deposits - \$1,086,359.85	Total:	\$1,094,776.44
			Federal Payroll Taxes:	Total:	\$ 144,597.83
17. **RATIFICATION OF WARRANT REGISTER SUMMARY FOR OCTOBER 10, 2006 AS FOLLOWS:**

Register No. 509	Oct 02, 2006	Check Nos. 69455-69506	Total:	\$1,789,025.75
Register No. 510	Oct 02, 2006	Direct Deposit: 952-953	Total:	\$ 324,417.03
Register No. 511	Oct 02, 2006	Check Nos. 69507-69542	Total:	\$ 20,103.10
Register No. 512	Oct 03, 2006	Check Nos. 69543-69563	Total:	\$ 57,669.61
Register No. 513	Oct 03, 2006	Check Nos. 69564-69622	Total:	\$ 32,894.57
Register No. 514	Oct 04, 2006	Direct Deposit: 954-975	Total:	\$ 2,521.48
Register No. 515	Oct 04, 2006	Check Nos. 69623-69643	Total:	\$ 117,652.26
Register No. 516	Oct 04, 2006	Direct Deposit: 976-976	Total:	\$ 68.66
Register No. 517	Oct 04, 2006	Check Nos. 69644-69670	Total:	\$ 18,699.41
Register No. 518	Oct 05, 2006	Direct Deposit: 977-981	Total:	\$ 746.43

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Register No. 519	Oct 05, 2006	Check Nos. 69671-69720	Total: \$ 46,337.86
Register No. 520	Oct 05, 2006	Check Nos. 69721-69764	Total: \$ 69,692.90
Register No. 521	Oct 06, 2006	Direct Deposit: 982-983	Total: \$ 69.50
Register No. 522	Oct 06, 2006	Check Nos. 69765-69792	Total: \$ 76,192.10
			Total: <u>\$2,556,090.66</u>

18. RATIFICATION OF WARRANT REGISTER SUMMARY FOR OCTOBER 17, 2006 AS FOLLOWS:

Register No. 523	Oct 10, 2006	Direct Deposit: 984-987	Total: \$ 462.64
Register No. 524	Oct 10, 2006	Check Nos. 69793-69883	Total: \$ 418,524.20
Register No. 525	Oct 11, 2006	Direct Deposit: 988-1002	Total: \$ 4,465.10
Register No. 526	Oct 11, 2006	Check Nos. 69884-69908	Total: \$ 7,146.13
Register No. 527	Oct 11, 2006	Check Nos. 69909-69967	Total: \$ 136,658.94
Register No. 528	Oct 12, 2006	Direct Deposit: 1003-1016	Total: \$ 3,000.41
Register No. 529	Oct 12, 2006	Check Nos. 69968-70030	Total: \$ 14,436.69
Register No. 530	Oct 12, 2006	Direct Deposit: 1017-1017	Total: \$ 56,211.69
Register No. 531	Oct 12, 2006	Check Nos. 70031-70045	Total: \$ 534,241.49
Register No. 532	Oct 13, 2006	Direct Deposit: 1018-1025	Total: \$ 3,167.96
Register No. 533	Oct 13, 2006	Check Nos. 70046-70191	Total: \$ 209,180.54
			Total: <u>\$1,387,495.79</u>

Commissioner Ellertson asked that Consent Agenda item No. 8 be stricken from the agenda at Susan Shepherd's request. He recommended approval of the remaining Consent Agenda items with that exception.

In addition, he recommended moving Regular Agenda items to Consent as follows: Nos. 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 18, 20, 21, 22, 25, 26, 27, 28, 29, 30, 35, and 36 to approve and authorize; No. 23 to set; No. 24 to continue to the October 24, 2006 meeting; No. 37 to approve and ratify; and Nos. 38, 39, and 40 to strike. There were no objections and it was so ordered.

4. APPROVE PERSONNEL ACTIONS ORIGINATING OCTOBER 5, 2006
5. APPROVE PERSONNEL ACTIONS ORIGINATING OCTOBER 12, 2006
6. AUTHORIZE A CHANGE TO THE CHILDREN'S JUSTICE CENTER STAFFING PLAN (ACCOUNT NO. 250-42250) TO: ADD A MERIT HALF-TIME (.50) CHILDREN'S JUSTICE CENTER COUNSELOR POSITION (CLASS CODE 2046) BY DELETING A MERIT HALF-TIME (.50) ASSISTANT CLINICAL COORDINATOR POSITION (CLASS CODE 2080); ADD A MERIT, GRANT-FUNDED, QUARTER TIME (.25) CHILDREN'S JUSTICE CENTER COUNSELOR POSITION (CLASS CODE 2046) BY DELETING A MERIT, GRANT-FUNDED, QUARTER-TIME (.25) ASSISTANT CLINICAL COORDINATOR POSITION (CLASS CODE 2080); AND ADD A MERIT, GRANT-FUNDED, HALF-TIME (.50) CHILDREN'S JUSTICE CENTER COUNSELOR POSITION (CLASS CODE 2046) BY DELETING A MERIT, GRANT-FUNDED, HALF-TIME (.50) ASSISTANT CLINICAL COORDINATOR POSITION (CLASS CODE 2080)
7. APPROVE THE JOB DESCRIPTION DATED 10/17/2006 FOR CHILDREN'S JUSTICE CENTER COUNSELOR (CLASS CODE 2046)
8. AUTHORIZE A CHANGE TO STAFFING PLAN OF THE HEALTH EDUCATION DIVISION OF THE HEALTH DEPARTMENT (ACCOUNT NO. 230-43130) BY ADDING ONE HALF TIME MERIT HEALTH EDUCATION TECHNICIAN POSITION (CLASS CODE 3121)
11. AUTHORIZE A CHANGE TO THE PUBLIC WORKS - MOTOR POOL STAFFING PLAN (ACCOUNT NO. 610-44610) TO ADD A LEAD MECHANIC POSITION (CLASS CODE 7030) BY DELETING A MECHANIC II POSITION (CLASS CODE 7031)

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12. **AUTHORIZE A CHANGE TO THE PUBLIC WORKS - MOTOR POOL STAFFING PLAN (ACCOUNT NO. 610-44610) TO ADD A MECHANIC II POSITION (CLASS CODE 7031) BY DELETING A MECHANIC I POSITION (CLASS CODE 7033)**
13. **APPROVE THE JOB DESCRIPTIONS DATED 10/17/2006 FOR MECHANIC ASSISTANT (CLASS CODE 7013), MECHANIC I (CLASS CODE 7033), MECHANIC II (CLASS CODE 7031), LEAD MECHANIC (CLASS CODE 7030), AND MOTOR POOL SHOP SUPERVISOR (CLASS CODE 7036)**
14. **APPROVE SEVERAL CLERK/AUDITOR'S DEPARTMENT EMPLOYEES DONATION OF LEAVE TIME TO ANOTHER CLERK/AUDITOR'S DEPARTMENT EMPLOYEE**
15. **APPROVE SEVERAL RECORDER'S OFFICE EMPLOYEES DONATION OF LEAVE TIME TO ANOTHER RECORDER'S OFFICE EMPLOYEE**
16. **APPROVE SEVERAL SHERIFF'S DEPARTMENT EMPLOYEES DONATION OF LEAVE TIME TO ANOTHER SHERIFF'S DEPARTMENT EMPLOYEE**
18. **APPROVE OR DENY A LATE VETERAN ABATEMENT FOR GREG WOODHOUSE ON SERIAL NO. 47:066:0005 (*Continued from the October 3, 2006 meeting*)**
20. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR'S SIGNATURE ON CHANGE ORDER NO. 1 WITH RB CONSTRUCTION & CONCRETE, INC. IN THE AMOUNT OF \$5,952.00 TO ADD A SIDEWALK BETWEEN THE RESTROOM AND THE JORDAN RIVER PARKWAY**
21. **AUTHORIZE THE COMMISSION CHAIR TO SIGN THE ROCK CHIP CONTRACT WITH WESTROC, INC. IN THE AMOUNT OF \$120,000.00 FOR 12,000 TONS OF ROCK CHIPS AT \$10.00 A TON**
22. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH CUSTOM FENCE CO.**
23. **SET THE DATE, TIME, AND LOCATION FOR A PUBLIC HEARING TO SOLICIT SUGGESTIONS FOR POTENTIAL PROJECTS FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT 2007 PROGRAM YEAR**
24. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT TO ALLOW STUDENTS TO GAIN EDUCATION EXPERIENCE AT THE UTAH COUNTY HEALTH DEPARTMENT WITH THE UNIVERSITY OF WISCONSIN - GREEN BAY**
25. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE LOCAL HEALTH DEPARTMENT C-4 GENERAL CONTRACT AMENDMENT NO. 1, FY 2007 (REFERENCE AGREEMENT NO. 2006-266)**
26. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE LOCAL HEALTH DEPARTMENT C-5 COMMUNICABLE DISEASE CONTROL AMENDMENT NO. 1, FY 2006 (REFERENCE AGREEMENT NO. 2006-90)**
27. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE REGIONAL EPIDEMIOLOGISTS TO SUPPORT LOCAL HEALTH DEPARTMENTS CONTRACT AMENDMENT NO. 3 (REFERENCE AGREEMENT NOS. 2005-197 AND 2005-595)**

28. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A CONTRACT BETWEEN STATE OF UTAH DIVISION OF CHILD AND FAMILY SERVICES AND UTAH COUNTY LOCAL SUBSTANCE ABUSE AUTHORITY, UTAH COUNTY DIVISION OF SUBSTANCE ABUSE FOR CASE MANAGEMENT SERVICES, PEER PARENTING, PURCHASE OF INCENTIVES, AND BUS TOKENS FOR CLIENT TRANSPORTATION SERVICES
29. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A CONTRACT BETWEEN CENTRAL UTAH COUNSELING AND UTAH COUNTY LOCAL SUBSTANCE ABUSE AUTHORITY, UTAH COUNTY DIVISION OF SUBSTANCE ABUSE FOR ACCESS TO SPECIALTY RESIDENTIAL TREATMENT
30. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A CONTRACT BETWEEN CENTRAL UTAH COUNSELING AND UTAH COUNTY LOCAL SUBSTANCE ABUSE AUTHORITY, UTAH COUNTY DIVISION OF SUBSTANCE ABUSE FOR ACCESS TO ASAM LEVEL III.5 HIGH INTENSITY RESIDENTIAL TREATMENT
35. APPROVE OR DISAPPROVE THE HOLIDAY SCHEDULE FOR 2007
36. APPROVE A CONFIDENTIALITY AGREEMENT BETWEEN UTAH COUNTY AND BRYAN E. THOMPSON (*Continued from the October 3, 2006 meeting*)
37. APPROVE AND RATIFY THE CONFIDENTIALITY AGREEMENT BETWEEN UTAH COUNTY AND ROBERT C. KIRK
38. SET A DATE, TIME, AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY
39. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY
40. SET A DATE, TIME, AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS

Consent Agenda Item Nos. 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18; and Regular Agenda Item Nos. 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 35, 36, 37, 38, 39, and 40, moved to Consent; were unanimously approved, authorized, set, continued, ratified, and stricken.

AGREEMENT NOS.: 2006-511, 2006-512, 2006-513, 2006-514, 2006-515, 2006-516, 2006-517, 2006-518, 2006-519, 2006-520, 2006-521, 2006-522, 2006-523, 2006-524, 2006-525, 2006-526, 2006-527, 2006-528, 2006-529, 2006-530, 2006-531, 2006-532, 2006-533, and 2006-534

REGULAR AGENDA

1. RECOGNITION OF THE UTAH COUNTY EMPLOYEE OF THE MONTH FOR OCTOBER 2006 (*Continued from the October 3, 2006 meeting*)

The proposed Employee of the Month was not present, and a continuance was requested for this item.

Commissioner White made the motion to continue Agenda Item No. 1 to the October 24, 2006 Board of Commissioners meeting. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Larry A. Ellertson
Steve White

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NAY: None

2. APPROVE AN EXECUTIVE PROCLAMATION TO PROCLAIM OCTOBER 2006 AS NATIONAL BREAST CANCER AWARENESS MONTH AND RECOGNIZE OCTOBER 20, 2006 AS MAMMOGRAPHY DAY

Dr. Joseph Miner introduced Jackie Black and Amanda Mateus, and Mateus read the proclamation for the record:

- ▶ WHEREAS, in 2006, it is estimated that 1,200 Utah women and 212,920 women in the United States will be diagnosed with breast cancer; and
- ▶ WHEREAS, in 2006, it is estimated that 230 women in Utah and 40,970 women in the United States will die from the disease; and
- ▶ WHEREAS, early detection could spare as many as one-third of those lives; and
- ▶ WHEREAS, data from the 1999 statewide survey shows that 33 percent of Utah women age 40 and older reported not having a mammogram screening in the past two years; and
- ▶ WHEREAS, mammography is the single best method for detection of breast cancer;
- ▶ NOW, THEREFORE, We, the Board of County Commissioners of Utah County, Utah, do hereby declare October 2006 as Breast Cancer Awareness Month; and Friday, October 20, 2006 as Mammography Day and challenge all women in Utah County to take advantage of early detection methods. We also urge each resident of the County to make sure the women they care about participate in early detection programs.

Commissioner White asked about the County Health Plan including this opportunity, and Dr. Miner replied that this is encouraged for the health of employees and the general public. Mateus provided information concerning national grants allowing free mammograms for women ages 40-64 that meet income requirements. Commissioner Ellertson encouraged any press present to assist in educating the public. Examples were given of Breast Cancer Awareness activities planned for the month of October, including breast exams offered Tuesdays and Wednesdays, and a special luncheon on Mammography Day where quilts would be presented to breast cancer survivors. Pink ribbons were presented to the commissioners to give to their wives or wear in support of breast cancer awareness; Commissioner Ellertson commented that "real men wear pink."

Commissioner White made the motion to proclaim October 2006 as National Breast Cancer Awareness Month and recognize October 20, 2006 as mammography day. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Steve White**

NAY: None

PROCLAMATION NO. 2006-6

3. APPROVE AN EXECUTIVE PROCLAMATION TO PROCLAIM OCTOBER 2006 AS SUDDEN INFANT DEATH SYNDROME AWARENESS MONTH

Dr. Joseph Miner commented that this is another program involving Jackie Black, and introduced Julie Bolton, who read the proclamation for the record:

- ▶ WHEREAS, it is estimated that SIDS takes the lives of nearly 3,000 babies nationally each year; and
- ▶ WHEREAS, the Utah SIDS Alliance and the Utah SIDS Program work to educate parents, grandparents, babysitters, and everyone who cares for infants, about reducing the risk of SIDS; and
- ▶ WHEREAS, the infant mortality rate in 2000 dropped to 4.8 infant deaths per 1000 births, the lowest in Utah history; and
- ▶ WHEREAS, programs such as "Back to Sleep" contribute to the decline in infant mortality in the State; and
- ▶ WHEREAS, these organizations offer emotional support and information to families who have suffered the loss of a baby to SIDS or other causes;
- ▶ NOW, THEREFORE, We, the Board of the Utah County Commission of Utah County, Utah, do hereby proclaim the month of October 2006 as Sudden Infant Death Awareness Month in Utah County, and encourage businesses, government leaders, community and church organizations, and service groups to support organizations involved in preventing SIDS. We also encourage public and private health care providers, parents, and child care providers in Utah County to become more aware of the methods by which SIDS may be prevented.

Julie Bolton mentioned a car show in Lehi in August had raised near \$14,000 for this cause, which will be used for a 5th Annual Memorial Tree-Lighting Ceremony in December involving the mayor and family members of SIDS infants. There are also plans to purchase a laptop computer and projector to be used in training law enforcement and schools on how to better assist families. The senior centers and teen mothers school will be contacted for education, as well. Dr. Miner commented on the dramatic difference made in SIDS reductions by having infants placed on their backs to sleep.

Commissioner White made the motion to proclaim October 2006 as Sudden Infant Death Syndrome Awareness Month. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Steve White
NAY: None**

PROCLAMATION NO. 2006-7

9. AUTHORIZE A CHANGE TO THE SHERIFF - DETECTIVE STAFFING PLAN (ACCOUNT NO. 100-42120) TO ADD AN EVIDENCE AND CRIME LAB SUPERVISOR POSITION (CLASS CODE 3090) BY DELETING AN EVIDENCE AND FINGERPRINT TECHNICIAN POSITION (CLASS CODE 5041)

10. APPROVE THE JOB DESCRIPTION DATED 10/17/2006 FOR EVIDENCE AND CRIME LAB SUPERVISOR (CLASS CODE 3090)

Lana Jensen explained that both agenda item nos. 9 and 10 were results of a classification audit; after reviewing the duties of the two technicians currently in the field, it was found that one is performing supervisory tasks, hence the reclassification. Commissioner White asked if there is a sergeant supervisor, and Lieutenant Darin Durfey replied in the confirmative. Commissioner White asked if this would involve a change from Deputy III to Sergeant for the employee, and Merritt Fullmer stated it would not.

Commissioner White made the motion to authorize the change to the Sheriff - Detective staffing plan, and approve the job description for Evidence and Crime Lab Supervisor. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Steve White
NAY: None**

17. APPROVE OR DENY AN INDIGENT ABATEMENT FOR KIMRA BOWERS ON SERIAL NO. 08:006:0008 AND PERSONAL PROPERTY ACCOUNT NO. 10858 (Continued from the October 3, 2006 meeting)

Cary McConnell stated Ms. Bowers had attempted to apply for this abatement last year, but had not provided trust and proof of disability for this year's application. McConnell stated he believed Bowers had misunderstood the requirements for the application, constituting a deed as the required trust. Commissioner Ellertson commented on a "trustee" being referred to in her application. McConnell stated he asked Bowers for any information applicable, and had acquired a statement of social security and her disability placard. Commissioner White asked about last year's application, and McConnell replied Bowers did not complete the process. Commissioner Ellertson mentioned the application did include the placard from the DMV indicating a permanent disability, but Kent Sundberg stated that is not the information requested. Commissioner White suggested another chance to collect more information from Ms. Bowers, and Commissioner Ellertson specified the requested documents.

Commissioner White made the motion to continue Agenda Item No. 17 to the October 31, 2006 meeting. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Steve White
NAY: None**

19. APPROVE OR DENY A LATE VETERAN ABATEMENT FOR THE FOLLOWING APPLICANTS: JEFFREY B. HANSON ON SERIAL NO. 39:013:0018; MICHAEL W. SCHWABLAND ON SERIAL NO. 52:129:0029; WENDELL E. DAY ON SERIAL NO. 45:060:0006; BRUCE FRANSDEN ON SERIAL NO. 45:078:0005; JAMES C. OLSEN ON SERIAL NO. 41:075:0006; KENNETH J. JOHNSON ON SERIAL NO. 38:251:0006; AND NEAL P. COLE, JR. ON SERIAL NO. 36:996:0203

Kent Sundberg stated the criteria necessary to grant a late veteran abatement, including deadlines. Commissioner White stated which of the applicants he believed to meet the criteria to be approved for an abatement; Mr. Hanson received his status on the 13th of September, and the application deadline is September 1st. Commissioner White commented that Mr. Day had a change in benefit amount after the deadline, and Mr. Frandsen was out of the state on military orders, and found the three applicants mentioned to be eligible for approval.

Commissioner White made the motion to approve the following applicants for a late veteran abatement: Jeffrey B. Hanson, Serial No. 39:013:0018; Douglas Jenkins, Serial No. 18:035:0029; Wendell E. Day, Serial No. 45:060:0006; and Bruce Frandsen, Serial No. 45:078:0005. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Steve White
NAY: None**

- Cary McConnell stated Michael W. Schwabland had given notice he would not be at today's meeting, and mentioned a conversation with Schwabland during which memory loss, medical, and dental problems were noted on Schwabland's behalf.

Commissioner White made the motion to approve Michael W. Schwabland, Serial No. 52:129:0029, for a late veteran abatement. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Steve White
NAY: None**

- Cary McConnell explained why certain forms need to be filed each year for an abatement, and others are filed only once and then kept on record. Commissioner Ellertson commented that James C. Olsen was waiting to file a particular form which is actually not needed, and that was the reason for the late application. McConnell stated it is stressed that this is a yearly application. Commissioner White mentioned possibly editing the notices next year to be more clear concerning forms and deadlines. McConnell mentioned this applicant had been late last year, as well.

Commissioner White made the motion to continue the James C. Olsen, Serial No. 41:075:0006 application for a late veteran abatement to the October 24, 2006 meeting. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Steve White
NAY: None**

- Commissioner White asked if a notice had been mailed to Mr. Johnson in March, and Cary McConnell replied that it is difficult to prove. McConnell stated that Mr. Cole is present, in case there were any questions for him, and the commissioners called Neal P. Cole forward, intending to return to discussion of the Johnson application.
- Neal P. Cole, retired police officer for the state of California - 35 years, stated this is his second year applying for a veteran abatement. Cole stated he had been told last year that he would receive a notice this year when it is time to file again, which did not happen; when he came in to register his vehicle and asked about filing for his home, he was told he had missed the deadline. Commissioner White asked if a finding could be made on lack of notice, and Kent Sundberg replied in the negative. Cary McConnell stated there had been a zip code change concerning the area where Cole lives, and perhaps that had affected the notice being delivered. Sundberg stated if that was the case, a finding could be made. Sundberg asked if Cole now understands that a notice will not necessarily be sent each year, and Cole replied in the affirmative.

Commissioner White made the motion to approve Neal P. Cole, Jr., Serial No. 36:996:0203, for a late veteran abatement. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Steve White
NAY: None**

- At this point, Commissioner Ellertson chose to return to the discussion of Kenneth J. Johnson, Serial No. 38:251:0006.
- Kent Sundberg stated the applicant had not been out of state for the required amount of time to be eligible.

Commissioner White made the motion to deny the Kenneth J. Johnson, Serial No. 38:251:0006 late veteran abatement application. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Steve White
NAY: None**

At this point, Cary McConnell pointed out that Mr. James Olsen is present in the audience, and Commissioner Ellertson chose to re-visit the discussion of James C. Olsen, Serial No. 41:075:0006 application for a late veteran abatement.

- James C. Olsen stated he had been told last year that the paperwork for this year's application would be sent to his home, and he did not receive it. Olsen mentioned he had been ill with kidney stones from the beginning of August to mid-September, but he visits the Utah County administration building at least once a month and when he inquired about not receiving the forms before September 1st, he was told it is too late to apply. Commissioner White asked Olsen if he now understood the VA form does not need to be filed every year, and Olsen stated he did not know that prior to now. Commissioner Ellertson commented on a possible medical exception.

Commissioner White made the motion to approve James C. Olsen, Serial No. 41:075:0006, for a late veteran abatement. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Larry A. Ellertson

Steve White

NAY: None

The finding of this new motion and vote made null and void the prior motion and vote to continue the James C. Olsen, Serial No. 41:075:0006 application for a late veteran abatement to the October 24, 2006 meeting.

31. AUTHORIZE THE COMMISSION CHAIR TO SIGN THE 2007 ANNUAL COOPERATIVE FINANCIAL AGREEMENT AND OPERATING PLAN BETWEEN THE UTAH COUNTY SHERIFF'S OFFICE AND THE USDA, FOREST SERVICE - REGION 4, FOR DRUG ERADICATION

Commissioner Ellertson asked about the amount mentioned in the agreement, and what could be done with \$1,000.00. The response was once a year, marijuana eradication is performed in conjunction with the military, and these funds would be for that. Commissioner Ellertson commented that more funds would be appreciated.

Commissioner White made the motion to approve and authorize the financial agreement and operating plan specified in Agenda Item No. 31. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Larry A. Ellertson

Steve White

NAY: None

AGREEMENT NO. 2006-535

32. APPROVE AND ADOPT AN ORDINANCE TO AMEND THE UTAH COUNTY GENERAL PLAN: FROM THE UTAH COUNTY MASTER PLAN, 1980; AND THE UTAH COUNTY GENERAL PLAN, VOLUMES 1 & 4; TO THE UTAH COUNTY GENERAL PLAN 2006 (Continued from the September 26, 2006 meeting)

Jeff Mendenhall stated this ordinance amendment would update standards concerning public housing. Commissioner Ellertson commented that this seemed to be very beneficial to the residents of the county, and stated he appreciates the efforts of the planning commission. Commissioner Ellertson commented on the use of the word "all" in objective no. 12, and Clyde Naylor stated the implication of the word is for "all" of the county. Commissioner White commented on the classification of roads of regional significance, and mentioned improving that in the future. Commissioner Ellertson mentioned clarifying the statement of "all streets" so that it would be understood that classifications will not change as annexations occur. Commissioner Ellertson also commented on altering objective no. 1-d to allow for full-time emergency services.

Commissioner White made the motion to approve and adopt Agenda Item No. 32, the ordinance amending the Utah County General Plan, subject to the changes discussed in the meeting. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Larry A. Ellertson

Steve White

NAY: None

ORDINANCE NO. 2006-33

33. TAKE ACTION ON THE PUBLIC HEARING HELD OCT. 3, 2006 TO APPROVE OR DENY THE REQUEST BY DEREK SORENSON TO AMEND THE UTAH COUNTY GENERAL PLAN FROM THE "GREENBELT AREA" DESIGNATION TO THE "CABIN & RESORT AREA" DESIGNATION AND TO AMEND THE UTAH COUNTY ZONE MAP FROM THE CE-1 ZONE TO THE CE-2 ZONE IN SECTIONS 16 & 17, T7S, R4E, HOBBLE CREEK CANYON AREA; AND TO ADOPT AN ORDINANCE IF APPROVAL IS GIVEN

Commissioner Ellertson asked for a summary of the reason for the request at hand, and Nichole Sorenson stated she and her husband Derek own a steep lot no. 2 in the Hobble Creek Haven subdivision, and the lot adjacent to it. Lot no. 2 is in the CE-2 zone, and they are looking to classify the adjacent 20-acre lot as CE-2 as well in order to build a home on the second lot, using lot no. 2 as an entryway. Commissioner White mentioned an illegal subdivision of 6 acres to create the 20-acre lot, which voids the grandfather clause on the land with a cabin built by the Wrigley family. Jeff Mendenhall commented on the Wrigley cabin being on an illegal lot because of that subdivision, and stated that using lot no. 2 as an entry would not be allowed because of the lack of county road frontage leading to it. Mendenhall mentioned an easement road currently in use, and Sorenson stated that easement road may not be deeded or prescribed; but used since the 1970's and nothing has come of it.

Nichole Sorenson mentioned the Wrigley cabin being built by Oscar Anderson in the 1800's, and asked about the possibility of a variance or exception to protect the historical pioneer cabin should the purchase of the 6-acre lot take place. Commissioner White stated the first consideration would be legalizing the lot, and Jeff Mendenhall stated the cabin would have to be determined to be a non-residence, which is a possibility.

Commissioner White made the motion to deny the requests for amendments specified in Agenda Item No. 33: amend the general plan and change the lot from a CE-1 zone to a CE-2 zone. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Steve White
NAY: None**

34. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE CONSULTING AGREEMENT WITH DAVID M. BENNETT, INC.

Susan Shepherd came forward and stated that in accordance with Utah County Procurement Rules and Regulations, Section 3-2-16, it would not be in the county's best interest to hire Mr. David Bennett for the proposed services, based on his expertise and the fact that he is the only consultant in Utah that provides those services. Commissioner Ellertson asked some questions concerning the agreement at hand, and Shepherd stated she would not know the answers. Kent Sundberg mentioned that Cort Griffin of the attorney's office may know the answer, and called Griffin to request his presence. Sundberg also mentioned the proposed agreement not having a designated local project manager, and Commissioner White suggested Richard Nance for the position.

On Cort Griffin's arrival, Commissioner Ellertson inquired as to the originally proposed completion of the contract of April 30th, 2007, and how much involvement past that date could be expected of David M. Bennett. Griffin stated the completion date should be the same, and that time frame includes a symposium, but the contract calls for termination of services after that date. Commissioner Ellertson asked if that was due to time or service, and Griffin replied it would be because of the original RFP (request for proposal). Commissioner Ellertson commented that when he had asked Bennett about those services, he had received the impression that Bennett would be available for the implementation of the suggested program. Commissioner White also commented on that discussion, and Kent Sundberg pointed out that page 9 of the proposed contract states specifically the intent, including implementation of proposals. Commissioner White commented on the intention of the proposed programs, and the cooperation from parties involved.

Commissioner White made the motion to approve and authorize Agenda Item No. 34, the consulting agreement with David M. Bennett, Inc. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Steve White
NAY: None**

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41. SET A DATE, TIME, AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION

Commissioner White made the motion to set a date, time and location for a closed meeting for a strategy session to discuss pending or reasonably imminent litigation to immediately follow this public meeting in the Commission Chambers. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Steve White**

NAY: None

At this point, the commissioners chose to continue to the work session items with the intention of returning to Agenda Item No. 42, "SET A DATE, TIME, AND LOCATION FOR A CLOSED MEETING TO DISCUSS COMMERCIAL INFORMATION AS DEFINED IN SECTION 59-1-404, U.C.A., 1953 AS AMENDED", after those discussions.

WORK SESSION

1. DISCUSS THE TIMPANOGOS WILDLIFE MANAGEMENT AREA HABITAT MANAGEMENT PLAN AND THE LASSON DRAW WILDLIFE MANAGEMENT AREA HABITAT MANAGEMENT PLAN

Ashley Green, Utah Division of Wildlife Resources - Central Region Office in Springville, commented on the Lasson Draw Wildlife Management Area in northwest Manti. Green stated the unit at hand was purchased to preserve and protect big game winter range, and to provide wildlife recreational opportunities to the public. Green stated the land has been owned for about 20 years, and part of the mandated process for land management involves including the county in planning decisions. Green commented that most of the property acquired in the last several years has been in partnership with the U.S. Fish and Wildlife Service to create funds for the properties, and mentioned that this particular unit is popular for deer and elk in the winter and to provide habitats to decrease depredation of nearby privately owned land. Green stated the land is mostly open space, roads, and fences, with the exception of some bunkers built by the Questar gas company. Green spoke of land management issues, and mentioned restriction of motorized vehicles from December 1st to April 30th to prevent animal disturbance and damage to the land. Commissioner White asked about available parking, and Ashley Green commented on recent parking structures erected in response to safety concerns for the general public. Green stated the Spencer Fork unit has a parking lot, as well.

Ashley Green then mentioned problems with weeds in the area, commenting on the preventive measures taken to avoid spreading. He spoke of a subdivision development starting at the north end of the property, and the land receiving more pressure from the residents in the future. Green stated there is oil and gas exploration taking place in the area. Commissioner Ellertson inquired as to whether or not the trails mentioned appear as such on trails maps in the county, and Green stated this would eventually become the official access and trails map; Commissioner Ellertson expressed appreciation for the consideration of higher demand for public access.

Ashley Green spoke of the Timpanogos Wildlife Management Area, stating it is bordered by residential subdivisions on the west and the forest on the east. Commissioner Ellertson asked about the property being adjacent to one another, and Green stated it is all adjacent except for one 40-acre parcel that borders Lindon. Green mentioned this property is not grazed because it is steep terrain, but is a heavily used area year-round. Motorized vehicle access is limited, but there are several trail systems. Green stated that roads and trails are being created by unauthorized use of motorcycles and ATV's, along with horseback riders and local hikers, and some vandalism has occurred. Green mentioned that there are problems with weeds in this area also; namely, yellow star thistle. Commissioner Ellertson asked about a public meeting, and Green stated there is not a formal public meeting; notices are sent to neighbors concerning decisions, and they are given the chance to respond. Green then commented on the RDCC, explaining that it was started by the governor's office as part of a public process.

2. DISCUSS PLEASANT GROVE'S GATEWAY COMMUNITY DEVELOPMENT PROJECT AREA NO. 1 AND CONVENTION CENTER

Richard Bradford, Pleasant Grove Economic Development Director, introduced Mayor Mike Daniels, who in turn introduced four city representatives: Tina Petersen, City Attorney; Jason Burningham, Outside Financial Consultant; Gary Clay, Internal Financial Management; and Frank Mills, City Administrator. Mayor Daniels stated they are seeking financial support from the county for a proposed hotel and convention center in Pleasant Grove. Mayor Daniels

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commented on John Q. Hammons, hotel and convention mogul in the United States, investing 85 million dollars for a hotel and convention center in the southeast quadrant of the Pleasant Grove interchange. Mayor Daniels stated there are contracted plans to break ground on the 50 acre development site in May of 2007, with plans to open doors for the hotel and convention center in May of 2009. Mayor Daniels commented that the new centers would have the caliber of the Grand America hotel in Salt Lake City, hence attracting convention-type activities to the Utah County area.

Mayor Mike Daniels stated the funding requested would be from the self-generating 50 acres of land. He mentioned related projects to be an office park with a 70 million dollar investment; a corporate center, 60 million dollar investment; neighborhood commercial, 15 million dollar investment; and a lifestyle retail mall in the neighborhood of 105 million dollars, to equal approximately 250 million currently identified in addition to the investment from the Hammons organization. Commissioner Ellertson asked if that would be adjacent to the hotel and convention center as opposed to a part of it, and Mayor Daniels confirmed, mentioning a few other businesses anticipating joining the project.

Mayor Mike Daniels stated that although Lehi-Thanksgiving Point area and Provo-downtown area are looking at projects of their own, this proposed center should not be seen as a competitive rival but an additive to Utah County in whole. He expressed concern that a delay in a decision of participation from the county may cause renegotiation with the contractors on their part. Mayor Daniels stated the school district has already agreed, and two water districts would be meeting later that day to discuss the proposal and expect to be successful.

Commissioner Ellertson asked about the dollar amount to be repaid, and Mayor Mike Daniels explained that they would be purchasing the land and gifting it to the Hammons organization for development. Commissioner White asked if land and infrastructure improvements would be involved in that, and the response was affirmative. Jason Burningham stated a 21 million dollar bond is anticipated, and commented on repayment totaling 36 to 37 million dollars over the next 23 to 25 years. Burningham reviewed some numbers considering the outcome of the project. Commissioner Ellertson asked about the real estate portion, and Burningham stated there is an assumption of approximately 100 million dollars between the projects. Commissioner Ellertson inquired as to the county's part of that, and Burningham replied approximately 2 million dollars, or 11% of the property taxes.

Commissioner White mentioned that he has the October 4th version of the proposed contract and needs a current copy. Mayor Mike Daniels stated again that time is of the essence, commenting on the directness of the proposal; he commented that the development will pay for itself much sooner than the 25 year contract implies. Richard Bradford stated he would get the commissioners the current version of the interlocal agreement, and Commissioner White requested an electronic copy.

Commissioner Ellertson inquired as to a study of John Q. Hammons' feasibility for the area, and Mayor Mike Daniels replied that Hammons had been studying this particular plan for some time. Jason Burningham added that John Q. Hammons has a reputation for looking two years ahead, and by the time the hotel and convention center opens, there will be a demand for it. Mayor Daniels commented on several clauses for escape in the contract, stating Hammons would be responsible for the full cost if the project does not carry through, and all bonds would be paid off. Commissioner White suggested adding a clause to the contract to include sales taxes from furniture and equipment for the hotel and convention center flowing back to the county. Mayor Daniels mentioned Hammons would also be responsible for lack of performance over the next 25 years should that occur, hence there is "nothing to lose" for the county.

At this point, the commissioners chose to return to Regular Agenda Item No. 42.

42. SET A DATE, TIME, AND LOCATION FOR A CLOSED MEETING TO DISCUSS COMMERCIAL INFORMATION AS DEFINED IN SECTION 59-1-404, U.C.A., 1953 AS AMENDED

Commissioner White made the motion to strike Agenda Item No. 42. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Steve White**

NAY: None

PUBLIC COMMENTS

There being no further business nor public comments, the meeting adjourned at 11:24 AM. The minutes of the October 3, 2006 Utah County Board of Commissioners meeting were approved on October 31, 2006 as transcribed.

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LARRY A. ELLERTSON
Commission Chair

ATTEST:

KIM JACKSON
Utah County Clerk-Auditor

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